



# **Air Quality Program**

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## **Program Specific Guidelines**

#97-205

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Prepared by:

Washington State Department of Ecology  
Air Program

#97-205



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# **Air Quality Program Program Specific Guidelines**

## **I. Purpose**

It is public policy under the Washington Clean Air Act to preserve, protect, and enhance air quality for current and future generations. Enforcement is one of many tools used by Ecology in carrying out its mission of environmental management. This air quality chapter of Ecology's enforcement manual builds on agency-wide enforcement policies and guidance with a focus on enforcement of air quality standards.

This guidance outlines the compliance tools available through the Washington Clean Air Act (Chapter 70.94 RCW), the Motor Vehicle Emission Control Act (Chapter 70.120 RCW), and the Technical Assistance Programs commonly referred to as the Regulatory Reform Act (Chapter 43.05 RCW). This guidance also briefly explains the enforcement options available to staff.

## II. Authority

The authority to implement and enforce air quality laws and regulations is contained in the following statutes:

Chapter 70.94 RCW - Washington Clean Air Act  
Chapter 70.120 RCW - Motor Vehicle Emission Control  
Chapter 43.05 RCW - Technical Assistance Programs

Under the Washington Clean Air Act, the Department of Ecology has the authority to take enforcement action against any violator of the state's air quality laws and corresponding regulations. The authority includes pursuing criminal penalties under RCW 70.94.430 or civil penalties under RCW 70.94.431. Both can result in penalty amounts up to \$10,000 per day per violation. Each day of noncompliance at each emissions unit or fugitive emissions point of origin may be considered a separate violation. Other enforcement tools authorized by the Clean Air Act include notices of violation, orders, and injunctions. Criminal sanctions can include fine, imprisonment, or both.

Under the Motor Vehicle Emission Control Act, the Department has the authority to enforce the motor vehicle emissions inspections. The penalty authority for enforcing the inspection program is derived from RCW 70.94.431 and supplemented by the RCW 70.120.120, but is limited by rule to \$250 per violation (Chapter 173-422 WAC).

Under the Regulatory Reform Act, the Department is required to take a technical assistance approach prior to issuing civil penalties. There are some exceptions where civil penalties may be issued without prior technical assistance. The Regulatory Reform Act requirements and procedures are described in the Ecology general guidance.

### **III. Discretion Factors**

The Air Quality Program strives for consistency in its approach to enforcement and penalties. However, each violation must also be treated on a case-by-case basis. This guidance is written to assist in those decisions. Listed below are some key elements to consider when selecting the appropriate enforcement action:

1. What were the health and/or environmental impacts?
2. Were there complaints by area residents?
3. Was there an economic advantage as a result of noncompliance?
4. Was technical assistance previously provided?
5. Was the violation self-reported?
6. What was the pollutant type, amount, and duration?
7. Was the violator cooperative in resolving the situation?
8. Does the source have a history of compliance problems?

If the appropriate action is deemed to be a civil penalty, similar elements are used to calculate the amount of the penalty.



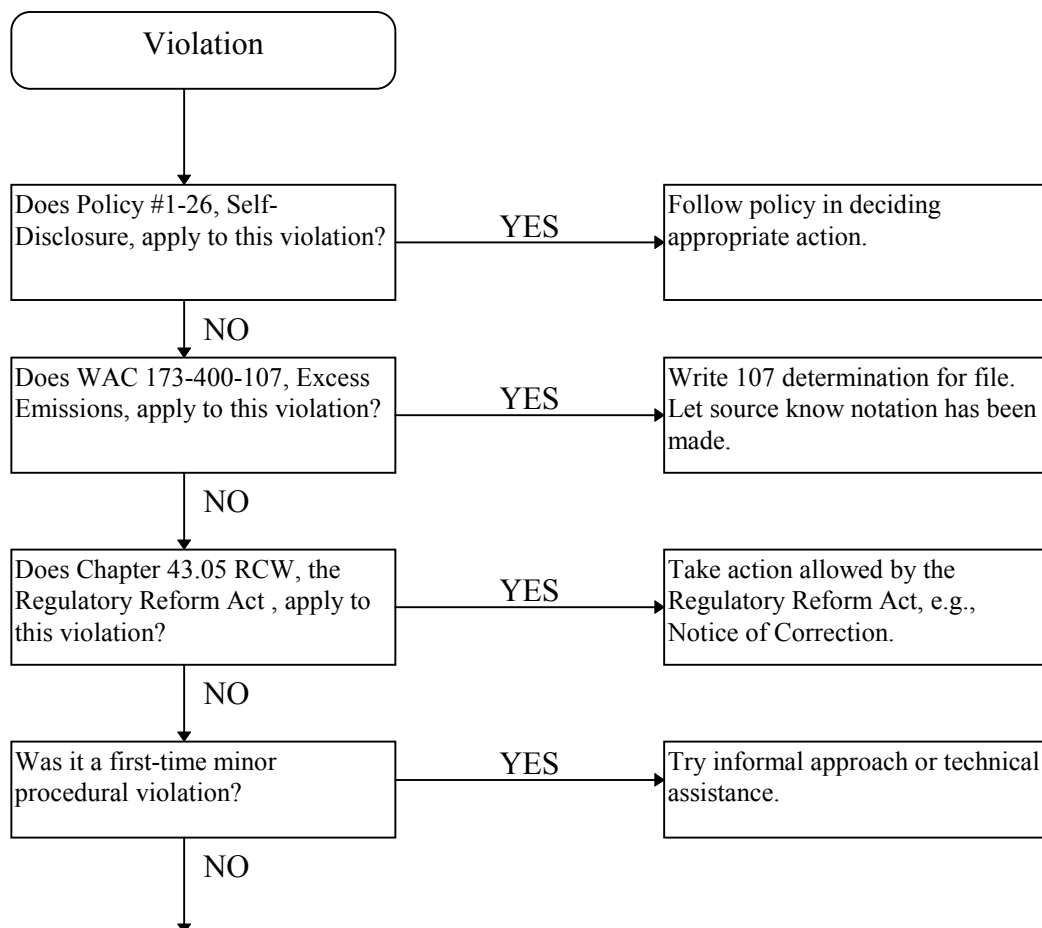
## IV. Violation Categories

Ecology's Enforcement Policy (#1-20) requires that once a violation is detected, its seriousness must be determined and an appropriate enforcement response selected. Violations are to be categorized as serious or general. The appropriate formal or informal enforcement tool is then selected. If the enforcement tool selected is a civil penalty, the amount is calculated according to a penalty matrix.

The Air Quality Program looks at existing regulations and policies to help determine the seriousness of a violation. Beginning with the premise that all air quality violations are potentially serious, there are a series of steps taken to determine whether a violation is significant enough to justify formal enforcement action, or general enough to justify informal action. The flow chart below lists some of those considerations:

## SERIOUS

## GENERAL



- A notice of violation is justified.
- Timely and appropriate follow-through should be used to gain compliance.
- Follow “Areas of Responsibility” section for enforcement guidance of specific source types.

## **V. Enforcement Options**

Once a violation has been classified as serious or general, it is appropriate to match the enforcement action to the degree of severity. The enforcement tools available to air quality staff include both informal and formal enforcement actions.

Informal actions do not require signature from management and can be initiated by staff after advising management. Informal options are typically used when a violation is classified as general.

Formal actions require management signature and staff preparation of a recommendation for enforcement action (REA). Formal actions are justified when violations are classified as serious. All actions, even informal actions, should be documented and filed. This is so that if events become more serious later on, a good paper trail exists to support subsequent allegations before the Pollution Control Hearings Board.

### **A. Informal Enforcement Actions**

1. Verbal Warning--A verbal warning can be used to indicate that a complaint has been received or as a means of preventing a violation. Sometimes verbal warnings are delivered over the telephone, on site, or at a meeting. Staff should document for the file whenever a verbal warning is delivered.
2. Written Warning--A warning letter can be used when the violation caused little or no environmental damage or threat to public resources. It can be used when a violation has not occurred, but could occur if certain actions are not taken. Warning letters should be used if compliance will be achieved quickly without further enforcement action.
3. Notice of Correction--A notice of correction can be used when a violation has been observed during a site visit, other than a technical assistance visit. Notices of correction are issued under the authority of RCW 43.05.060 and are typically issued for first-time violations. The notice allows the source an opportunity to come into compliance without being penalized. Included in the notice is a description of the condition with specific reference to the applicable law or rule; where to obtain technical assistance; and how to request an extension of time. The notice is not a formal enforcement action, however, it is a public record. Civil penalties are not issued for violations contained in a notice of correction unless the source does not follow the terms of the notice.

## **B. Formal Enforcement Actions**

1. Notice of Violation--Notices of violation (NOV) can be used when a violation is reasonably certain and classified as significant. Under RCW 70.94.332, a notice of violation is issued 30 days prior to any civil or criminal penalty. It may include an order specifying necessary corrective action or require that the source appear before the department to provide additional information.
2. Administrative Order--An order is used to formalize agency directives and usually requires a specific action or solution from the source with a specific time for compliance. Failure to comply with the terms of an order can result in additional enforcement actions including, but not limited to, a civil penalty. (RCW 70.94.332)
3. Compliance Order/Schedule--Under WAC 173-400-230(6), compliance orders may accompany a notice of violation requiring the recipient to take necessary corrective action or to submit a plan for corrective action. A date when such action will be initiated must be included. If a compliance schedule is necessary, WAC 173-400-161(1) states that the order shall contain a schedule for installation, with intermediate benchmark dates and a final completion date. All compliance schedules must follow the public involvement process described in WAC 173-400-171. (RCW 70.94.332)

Sources on compliance schedules that are not meeting emission standards may still be subject to penalties under the federal Clean Air Act. (Under delegations of the Title V program, Ecology has agreed not to exercise the compliance schedule option for permitted sources. Permits will already include certifications of compliance and, if necessary, compliance plans.)

4. Notice of Penalty--Penalties are used to ensure current and future compliance and to deter future noncompliance by others. Any source that fails to comply with the air quality regulations may be subject to a civil penalty. Under RCW 70.94.431 Ecology has the authority to issue civil penalties up to \$10,000 per day, per violation. (Emission testing violations are limited to \$250 per day, per violation.)
5. Notice of Disposition Upon Application for Relief--These notices may be used to modify a penalty if additional (new) information contained in the application for relief justifies such modification. The process for reviewing an Application for Relief is explained in the general enforcement guidance.
6. Restraining Orders, Injunctions & Court Orders--Recommendations for referrals to the Attorney General's Office for filing actions in superior court should be made when other courses of action have failed to obtain the desired result. Such recommendations are made through the Program Manager and signed by the Director of Ecology. (Authority is RCW 70.94.425.)

7. Assurance of Discontinuance--RCW 70.94.435 offers an additional means of enforcing clean air laws. Ecology may accept an assurance of discontinuance of any practice deemed in violation from any person engaging in such practice. The assurance must specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of an assurance constitutes prima facie proof of a violation for the purpose of securing relief from the superior court as provided in RCW 70.94.425.
8. Criminal Sanctions--RCW 70.94.430 authorizes criminal sanctions for knowing and willful violations. Those guilty are subject to fine, imprisonment, or both. Ecology and EPA operate a joint Criminal Investigation Task Force. The process for making a criminal investigation referral is described in the general enforcement guidance.

## VI. Penalties

Penalties are issued to prevent a recurrence of a violation, to ensure compliance, to influence behavior, and to correct a problem. When a penalty is calculated, both economic benefit and gravity are considered.

Gravity is one means of ranking the severity of the violation. The gravity component of a penalty is calculated by documenting how much of an impact the violation has on the public health and welfare; how much and what type of environmental damage was incurred; and whether the violation was repetitive. Calculation of the gravity component of a penalty should be fully documented in the case file by using the Air Quality Program's penalty matrix worksheets (Page A-1).

One way to remove any economic incentive a source may receive in violating air quality regulations is to recover the economic benefit as part of the penalty amount. However, estimating economic benefit can be difficult. In cases where economic benefit is obvious that amount may be included directly in the penalty amount. The Department encourages the use of EPA's BEN model for calculating economic benefit for more complex situations. The Economic and Regulatory Research Unit at Ecology's headquarters is available to assist in this effort.

The Clean Air Act defines how violations are counted when issuing civil penalties (RCW 70.94.431). Each violation is separate and distinct. The same is true for each day a violation or violations occur. The number of violations is calculated on a per day, per violation basis.

A penalty can be assessed per day. However, this option is not always applied. Sometimes a penalty is assessed in a lump sum that corresponds to the general gravity of the situation. In deciding whether to assess a penalty on a per day basis, staff should consider the discretion factors presented in Section III of this document.

The notice of penalty needs to clearly identify the conduct which caused the violation, the regulatory requirement(s) violated, and the final penalty amount. Reference to a chosen amount for each violation need only be included in internal documents (i.e., Recommendation for Enforcement).

The Clean Air Act limits penalties under RCW 70.94.431(1) to \$10,000 per day for each violation. Violations of motor vehicle emission testing regulations are limited to \$250 (WAC 173-422-145(2) & WAC 173-422-175(2)).

## VII. Timeframes

The Air Quality Program has the responsibility to carry out its enforcement actions in a reasonable timeframe. Normally, initial action is taken within 45 days of first becoming aware of the violation. The violator should be notified as soon as possible of the potential problem, however. Sometimes this is accomplished through a verbal warning that is delivered immediately, and later followed with a formal enforcement action.

Once the enforcement process has been started, the Air Quality Program must respond in a fashion which leads to current and future continuous compliance. Each case is different. Some require immediate action to prevent injury or further damage. Other cases may be balanced with the demands placed on limited staff resources.

## **VIII. Areas Of Responsibility**

### **A. Commercial/Industrial**

Commercial and industrial sources are regulated via a fairly complex mixture of state and federal regulations and permit programs. Generally, existing sources are classified and regulated according to the type and amount of air pollution they emit. New source permit requirements are also based primarily on the type and amount of air pollution. Sources must meet particular emission standards and must not cause unacceptable impacts on others. It is important to maintain a level playing field in the regulation of commercial and industrial sources.

Large industrial sources are regulated through the federally mandated Title V Program which requires Air Operating Permits (Chapter 173-401 WAC). All applicable requirements, both federal and state, are listed within each source's operating permit. An inspector should be able to look at a source's permit to know what requirements are applicable. Enforcement procedures for larger sources, and the reporting of enforcement actions to EPA, are outlined in the State's Compliance Assurance Agreement. The Air Quality Program compliance coordinator is informed of all enforcement actions that involve large sources.

Most smaller sources are regulated under the Registration Program (WAC 173-400-099 through 104). Though the registration process does not list applicable requirements, it does provide a basis for an emission inventory for the state.

New or modified sources are regulated through the notice of construction outlined in WAC 173-400-110. A permit is issued that specifies operating conditions for the new source. Again, an inspector should be able to determine approved operating parameters by reviewing this permit

### **B. Asbestos**

The federal Clean Air Act (CAA) requires EPA to develop and enforce regulations to protect the general public from exposure to airborne contaminants that are known to be hazardous to human health. In accordance with Section 112 of the CAA, EPA established National Emissions Standards for Hazardous Air Pollutants (NESHAP) to protect the public. Asbestos was one of the first hazardous air pollutants regulated under Section 112. The NESHAP for asbestos is found in 40 CFR Part 61, Subpart M. The state of Washington adopted the standard by reference under WAC 173-400-075.



Through a memorandum of understanding (MOU), Ecology and EPA agree to work together implementing the NESHAP through technical assistance and enforcement. Under the MOU, Ecology's primary role is one of providing technical assistance on the appropriate demolition and renovation practices involved in asbestos removal.

Ecology staff conducts technical assistance visits and inspections using a recommended EPA checklist. Both Ecology and EPA may use information discovered by Ecology field staff to provide technical assistance or to take enforcement action. Field staff also gather evidence and document specifics of violations and of mitigating actions taken by a violator. Field staff may also make recommendations on the fine amounts and act as witnesses. Actual notices of violation are written and issued by Ecology field staff and tracked by EPA in National Asbestos Reporting System. Should Ecology prove unsuccessful in resolving deficiencies or violations, the matter is turned over to EPA.

Ecology staff must be certified with inspection credentials. EPA provides those certification courses.

## **C. CFC Program**

The Washington Clean Air Act, RCW 70.94.970 through 990, lists chlorofluorocarbons as a "regulated substance." As such, certain acts are prohibited by law. Those acts include venting or releasing of CFCs into the air. Also prohibited is the possession of certain "non-essential consumer products" and some containers or refrigerants that are designed for consumer use rather than use by industry.

RCW 70.94.990 directs Ecology to adopt rules to implement a CFC enforcement program. Those rules were never developed. Instead, enforcement at the state level is done through an agreement with EPA. Through a memorandum of understanding (MOU), Ecology and EPA agree to work together through technical assistance and enforcement. The MOU allows Ecology to be granted federal inspection credentials under the authority of Section 114 of the federal Clean Air Act. Both Ecology and EPA may use information discovered by Ecology field staff to provide technical assistance or to take enforcement action. However, because there are no state regulations regarding CFCs and the MOU does not constitute delegation of a federal program, Ecology staff act as investigators to gather evidence of violations. They document specifics of violations and of mitigating actions taken by the violator. Field staff also calculate and recommend fine amounts and act as witnesses. Actual notices of violation are written and enforced by EPA.

## **D. Vehicle Emission Program**

Emissions from motor vehicles are the leading source of air pollution in the state. Penalties for violations of the vehicle emission testing law and regulations are limited to

\$250 per violation. (Penalty authority is found in Chapter 70.120 RCW and articulated in Chapter 173-422 WAC.)

Use of motor vehicles on public roads is regulated by Ecology under Chapters 70.94 and 70.120 RCW. Use of motor vehicles on private roads such as industrial haul roads, and inside any source as defined in WAC 173-400-030 (69) is regulated by the appropriate local air authority.

## **E. Woodburners; Wood Stoves, Fireplaces, Inserts, & Residential Solid Fuel Burning Devices**

With over a million solid fuel burning devices in the state, most Washingtonians have a role in both the problem and the solution. This widespread source of wintertime air pollution is managed through a balance of public education, economic incentives, and enforcement.

With respect to wood burning enforcement, there are basically four types of violations: burning at the wrong time, burning the wrong fuel, burning the wrong way, and creating a nuisance. For burning during episodes, Ecology should issue a notice of violation, notice of correction, or warning letter, depending on the level of confidence in the reported violation and on whether the public could have reasonably been expected to know that an episode was in progress.

For violations of fuel restrictions, an appropriate first step is a notice of violation or notice of correction, if the violation is for burning anything other than green wood (such as burning household garbage in a woodstove). For improperly stored or seasoned wood, technical assistance may prove effective.

For burning improperly, but using the proper fuel, as evidenced by opacity readings, technical assistance might prove effective in gaining compliance.

For situations where one household's wood stove is a nuisance to another household, technical assistance should be tried first. Enforcement action may eventually be necessary to protect the rights of the affected household. Be aware that neighborhood disputes sometimes involve more issues than the one you have been called to mediate.

For neighborhood woodstove problems where it is difficult to identify particular offending woodstoves, neighborhood education and outreach should be tried as a first step.

In most instances, penalties should be held in abeyance, subject to future compliance. However, where compliance is not achieved, penalties are appropriate.

## **F. Open Burning**

Open burning is defined as all outdoor burning that is not agricultural or silvicultural. Some of the main categories of open burning are residential open burning, and open burning at businesses, land clearing, and fire training. As with woodstoves, many Washingtonians still conduct open burning, and therefore have a role in both the problem and the solution

The Air Quality Program works cooperatively with fire protection authorities and various local officials to provide technical assistance and public education, issue permits, document open burning complaints or violations, and for field response and enforcement. Complaints and questions received from areas that are administered by local officials should be referred to the local agency for initial response. *(Staff should check with his/her supervisor regarding which areas are administered by Ecology's regional offices.)*

Sometimes a local agency will request enforcement assistance from Ecology. In those cases, Ecology will endeavor to select an enforcement response that corresponds with the philosophies of the referring agency.

For burning during episodes, Ecology should issue a notice of violation, notice of correction, or warning letter, depending on the level of confidence in the reported violation and depending on whether the public could have reasonably been expected to know that an episode was in progress.

For violations of allowable fuel types, such as burning prohibited materials, the first step is often a notice of violation or notice of correction.

For situations where one entity's open burning is a nuisance to another, technical assistance is often tried first. Enforcement action may be necessary to protect the rights of the affected. Be aware that neighborhood disputes sometimes involve more issues than the one you have been called to mediate.

For neighborhood open burning problems where it is difficult to identify particular offending households, neighborhood education and outreach should be tried as a first step.

## **G. Agricultural Burning**

The Washington Clean Air Act allows for limited agricultural open burning where no other practical alternative to pest control or crop propagation and/or rotation exist. Agricultural burning includes the burning of fields, prunings, weeds, irrigation and drainage ditch areas, and fence rows. Some agricultural burning requires a permit. As with open burning, the Air Quality Program relies on county officials, fire protection

agencies, and, in some cases, conservation districts to administer and enforce the agricultural burning permitting program.

For those counties that are not administered by a local agency, the Air Quality Program issues and enforces permits. *(Staff should check with his/her supervisor regarding which counties are administered by Ecology's regional offices.)*

## **IX. Regulatory Agencies**

Ecology has the responsibility for implementing and assuring compliance with air quality regulations in Washington. Local agencies share in this responsibility. With the exception of a few industry categories, the state's seven local air authorities have jurisdiction over 30 of the most heavily populated counties. Ecology regulates the remaining 19 counties which are primarily located in eastern Washington.

Motor vehicle emission control is under Ecology's jurisdiction statewide as is the regulation of the state's aluminum smelters and chemical paper mills. Ecology's Industrial Section is responsible for coordinating environmental control, prevention and cleanup for the state's aluminum smelters and chemical paper mills. The Industrial Section, however, regulates these industries with more than just air quality regulations in mind. The Industrial Section balances enforcement options across several media.

The federal Environmental Protection Agency (EPA) supports Ecology with technical, financial and regulatory assistance. Ecology should consider requesting their support when our tools are exhausted and no environmental solution is reached. Specific guidelines and timelines for how we work with EPA are contained in the Compliance Assurance Agreement.

## X. Conclusion

The unequivocal goal of Ecology's enforcement policy is compliance with environmental laws and regulations. To that end:

- The Air Quality Program will follow agency enforcement guidance and policies in addition to this program-specific guidance, and will honor Ecology's specific enforcement agreements with EPA.
- The Air Quality Program will provide education and technical assistance when appropriate.
- The regulated community will be held strictly accountable for compliance with laws and regulations that affect the activities in which they engage.
- Staff will deal firmly, fairly, and professionally with the regulated community.
- Air quality violations will be appropriately classified and swiftly addressed.
- Enforcement decisions will be designed to encourage voluntary compliance and level playing fields.
- Significant violators will be subject to formal enforcement action.
- Enforcement response will escalate with repeat violations.

Approved: \_\_\_\_\_  
Joseph R. Williams, Air Quality Program Manager

\_\_\_\_\_  
Date



# Civil Penalty Worksheet

## Air Quality Program

FACILITY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NOV#: \_\_\_\_\_

TOTAL CIVIL PENALTY RECOMMENDATION:                      \$ \_\_\_\_\_ \*

(\* Add totals from Tables 2 and 3)

When civil penalty has been selected as the appropriate enforcement action, these worksheets are used a tool in calculating the amount of the penalty. After calculating a gravity score using Table 1, use Table 2 to recommend a penalty amount. Table 3 may be used to calculate an economic benefit component. Guidance for answering the questions in Table 1 is provided at the end of this section. Staff should document for the file how they calculated the recommended penalty.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_



**Table 1**  
**Gravity Criteria**

Nature of Violation:	NO (0)	POSSIB LY (1)	PROBA BLY (2)	DEFINIT ELY (3)
1. Did the source know about the requirement?	_____	_____	_____	_____
2. Is this a big source?	_____	_____	_____	_____
3. Was the source-unresponsive in resolving the violation?	_____	_____	_____	_____
4. Does the source have a history of non-compliance?	_____	_____	_____	_____
5. Did the violation cause a public health risk or adverse environmental impacts?	_____	_____	_____	_____
6. Did the violation adversely impact the health, safety, welfare, or enjoyment of others; cause property damage; or have a negative economic impact on others?	_____	_____	_____	_____
7. Was there an economic benefit to the source from this noncompliance?	_____	_____	_____	_____

**Table 2**  
**Suggested Gravity Component Penalty**

Rating	1-4	5-8	9-11	12-14	15	16	17	18	19	20-21
Penalty	\$0- \$1000	\$2000	\$3000	\$4000	\$5000	\$6000	\$7000	\$8000	\$9000	\$10,000

**Table 3**  
**Economic Benefit Penalty**

<p>If the answer to question #7 in Table 1 is “definitely” and easily determined, the estimated dollar amount of economic benefit is:</p> <p>\$ _____. Please attach the calculations to this worksheet.</p>
<p>If the answer to question #7 in Table 1 is “definitely” and more complex to determine, you may want to use the BEN computer model to arrive at an estimate. If you need assistance calculating the BEN model contact the Economic and Regulatory Research Unit at Ecology’s headquarters.</p> <p>The estimated dollar amount of economic benefit is:</p> <p>\$ _____. Please attach the calculations to this worksheet.</p>
<p>Additional comments:</p>    

## **Civil Penalty Gravity Criteria**

The following is intended to assist staff in determining the ratings for each question in the penalty matrix. Staff are not limited by the examples provided below. The examples are provided as guidance.

### **1. Did the source know about the requirement?**

- If the source previously received technical assistance or a notice regarding the requirement, this is an indication that the source was informed.
- If the source received a permit or order that includes the requirement, the source has also been informed.
- There may be other means as well, such as thorough public outreach in a community, notice by other programs or jurisdictions, etc.

### **2. Is this a big source?**

- This question considers equity issues among large and small businesses as well as private residences versus commercial enterprises.
- Whether the source is a resident, small business, or industry should be weighed in rating the response to this question.

### **3. Was the source unresponsive in resolving the violation?**

- One item to consider when rating this answer is whether the source reported the violation. Self-reporting is recognized under Ecology Policy #1-26, and to a certain extent in WAC 173-400-107.
- The source's willingness to correct the violation, immediate and appropriate corrective action upon being notified of the violation, as well as other criteria, may be used to demonstrate a level of cooperation.

### **4. Does the source have a history of noncompliance?**

This question attempts to identify whether the source was recalcitrant in complying with the regulations. Some considerations in evaluating this rating are:

- Was appropriate operation and maintenance used?
- Was the violation unavoidable under WAC 173-400-107?
- Does the source have a history of compliance problems with other Ecology programs or other regulatory agencies?

**5. Did the violation cause a public health risk or adverse environmental impacts?**

Staff may take into consideration other aspects that demonstrate the health and environmental impacts of the violation in addition to the following:

- Citizen complaints
- Amount of the pollutant
- Sensitivity of the environment exposed to the emission
- Toxicity of the pollutant emitted
- Duration of the exposure
- Importance of the action to the regulatory scheme (i.e. reporting emissions)

**6. Did the violation adversely impact the health, safety, welfare, or enjoyment of others; cause property damage; or have a negative economic impact on others?**

This question attempts to get at whether the violation caused impacts on the private or property rights of others. Consider:

- individual nuisance impacts,
- impacts to use and enjoyment of property,
- personal property damage, and/or
- impacts to business .

**7. Was there an economic benefit to the source from this noncompliance?**

The purpose of this rating is not to quantify economic benefit, but merely to recognize if the source stood to benefit economically from the noncompliance. Staff's purpose should be to decide if there clearly was no economic benefit; if there probably was economic benefit, but it can't be quantified; or if there was definitely an economic benefit. Recovering the amount of the benefit, if appropriate, will be calculated separately.